

2 APR 1969

MEMORANDUM FOR: Deputy Director of Personnel

SUBJECT : Meaning of Actual Place of Residence in BOB
Circular A-56

1. At your request, I called a representative of the BOB for his interpretation of "actual place of residence" as described in the Circular, with particular reference to the distinction between this phrase and the term "residence at the time of appointment."
2. The BOB contact claimed a limited understanding of the practices followed in Government agencies. He denied any intended bias in favor of construing actual residence in BOB A-56 to mean residence at the time of appointment for employees transferred overseas following a period of employment within an organization. He emphasized that the BOB directive specifies actual residence as the standard for both an individual appointed somewhere in the United States for an immediate overseas job (actual residence at time of appointment) and for an employee transferred (actual residence at the time of the transfer). In either case, A-56 requires an individual determination to be made of actual residence based on various factors to be considered (physical residence, voting, property ownership, et.al.). For example, the actual residence of an individual directly hired for an overseas job would likely be the point of residence at time of appointment, unless he could prove some other place was his true residence (e.g., a university student might maintain his school address was temporary). Similarly, the actual residence of a college graduate who came to Washington for duty in the Pentagon and was subsequently transferred overseas would normally be where he was residing at the time of the transfer, usually in the Washington area, unless he could prove some other place was his actual residence (e.g., where he voted or owned property).
3. BOB Circular A-56 does tend to place the onus on the employee to change the last recorded residence. To that extent a reaffirmation at the time of transfer of a previously justified and designated residence should encounter little opposition. Since A-56 permits the employee to designate another location than the place of physical residence at the time he signs the required overseas agreement, it would be possible for an employee to justify at the time of each transfer the continuance of his residence at time of appointment. In essence, his view of the A-56 instruction is that actual residence must be specified any time an individual goes overseas (time of appointment or transfer) and all factors mentioned in A-56 should be taken into account in fixing the point of actual residence if other than physical residence.
4. I also called the General Accounting Office, which rules on specific questions concerning actual residence within the meaning of BOB Circular A-56, and asked my contact for his impressions on agency practices

or relevant CG decisions relating to the difference between actual residence and residence at time of appointment. He echoed the general observations of the BOB representative and stressed its action on submitted cases was to ascertain an employee's actual residence at the time of appointment or transfer, whichever was applicable in the instant case, after taking into account all of the factors permitted in BOB A-56.

5. I called his attention to the following somewhat divergent phrases in A-56 and asked for his reaction: "The place at which the employee physically resided at time of selection for appointment or transfer frequently constitutes the place of actual residence and may be so regarded in the absence of circumstances reasonably indicating that another location is entitled to be designated as the place of actual residence. Designation of a place of actual residence in an official document signed by the employee earlier in Government employment should be regarded as originally intended to be a continuing designation and the burden is upon the employee to establish clearly that the earlier designation was in error or that later circumstances entitle a different designation to be made." He acknowledged some uncertainty as to the exact meaning of the latter phrase since the GAO has not ruled on it, but he speculated that the latter passage in BOB A-56 reflects an essentially conservative approach to avoid frequent switching of residence designations. Notwithstanding, the GAO contact was clear in his principal thesis that actual residence is an individual determination that is made whenever an employee is appointed or transferred overseas and should be based on all relevant factors if a place other than physical residence is sought as an actual residence.

6. Thus, both the BOB and GAO representatives recognized actual residence and physical residence at the time of appointment would tend to be the same (unless some other place of actual residence were established) for the individual hired for overseas at the time of appointment, and the physical residence at the time of appointment normally would not be the actual residence for an employee transferred by an agency after serving for a period in one of its domestic installations (unless action were taken to perpetuate the applicability of the physical residence documented at the time of appointment).

7. You will note from the attached excerpt from DOD civilian travel regulations that the concepts of actual residence as discussed in A-56 is reflected therein, including the use of the concept of actual residence at the time of assignment (time of appointment or transfer). I have asked [REDACTED] to run a second checkout on actual practices within DOD.

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Deputy Chief, Plans and Analysis Division
Office of Personnel

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